

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
March 21, 2013**

Members Present

Tom McGuirk, Acting Chairman
Jack Lessard (Alternate)
Vic Lessard
Bryan Provencal
Ed St. Pierre

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman McGuirk called the meeting to order at 7:04 p.m.

Board members were introduced.

The Pledge of Allegiance was said.

PETITION SESSION

09-13...Continued hearing of the petition of Bertram and Darlene White and Marie Clemence through Green & Company Real Estate for property located at 339 and 345 Ocean Boulevard seeking relief from Articles 4.1.1, 4.4, 6.1, 6.3.1, 8.2.3, 8.2.4 and 8.2.6 to demolish all existing structures and replace with 24 residential condominium units on 4 upper floors with commercial units at ground level which would not meet the setback, height, density and parking requirements. This property is located on Map 275, Lot 67 & 61 and in a BS Zone.

At this time Mr. Provencal stepped down from the Board for personal reasons. Chairman McGuirk asked the petitioner if he would be satisfied with a 4-member board. Mr. Green said this would be fine.

Rick Green, Michael Witcher and Attorney Peter Saari, Casassa & Ryan, came forward. Mr. Witcher said the Greens have great faith in the revitalization of the beach. They want to demolish old buildings on the property and replace them with a structure having 24 residential condominium units with retail spaces at ground level. There will be stacked parking with the use of three car lifts. Mr. Witcher said they are hoping to build a structure that is very attractive.

Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board.

Mr. St. Pierre asked where on the beach is there another building this high. Mr. Witcher said the Sea Spray is close.

Mr. V. Lessard said he liked the idea of some nice retail stores.

Mr. St. Pierre asked if the pergola on the top was for tenant use only. Mr. Witcher said it was and no functions would be held there.

Chairman McGuirk asked if retail access was on the ground floor only. Attorney Saari said it was. Chairman McGuirk asked about retail parking. Attorney Saari said there was none. Mr. Schultz asked what the height would be including the pergola. Mr. Witcher said it would be at 60 feet.

Comments from the Audience

Ben Moore, 375 Ocean Blvd., said no one had said anything about sideline setbacks. Joe Coronati, Jones & Beach, said the building is 6 feet from the property lines and the overhangs are 4 feet. Mr. Moore said he felt the height restriction is the biggest issue. Voters seem to be consistent that 50 feet should be the limit. Drainage is also an issue. Mr. Moore said he was opposed to the project.

Bryan Provencal, 349 Ocean Blvd., said the side setbacks were not an issue for him.

Skip Windemiller, 365 Ocean Blvd., said he applauded the retail spaces on the first level. This will be a good mix. Mr. Windemiller said he was in favor of the project.

Back to the Board

Mr. V. Lessard said he liked the concept, but would like to see the height down a little bit. Attorney Saari said the height could be reduced by three or four feet by lowering the ceilings.

Mr. Schultz asked about the elevator since it is there to access the roof so it isn't really needed except for this purpose and could be the same height as the main building. Mr. Witcher said the roof deck is very important to the project.

Mr. St. Pierre said this is a great building and good addition to the character of the beach. Mr. St. Pierre said his issue is that there is living space above the 50 foot zoning requirement. Mr. Witcher asked if it would work if they lowered the building 4 feet and moved it back 2 feet and also allow for a fence in front to avoid encroaching on the sidewalk. Attorney Saari said they would be willing to do this.

Moved by Mr. J. Lessard, seconded by Mr. St. Pierre, to grant Petition 09-13 with the stipulation that the height be decreased by 4 feet, the building would be moved back 2 feet and a fence erected for any possible vending outside.

Chairman McGuirk asked the Board if they felt the five criteria had been met. All members agreed that they had with the exception of Mr. V. Lessard who said he still had an issue with the height of the building.

Vote: 4 yes, 0 no. Motion passed unanimously.

At this time Mr. Provencal stepped back up to the Board.

10-13...The petition of State Street Crossings LLC Terry O'Brien for property located at 29 Epping Avenue seeking relief from Article 1.3, 4.1.1 and 4.5.1 to replace existing two-unit structure with new two-unit structure. This property is located on Map 299, Lot 010 and in the RB Zone.

John Samonas representing State Street Crossings came forward. Mr. Samonas said they would like to replace an existing 2-unit structure with a new 2-unit structure. They will remove the front staircases to make it more conforming. Also to be removed would be some trees and the rear building in the back. Mr. Samonas said the neighbors have improved their properties and they would like to do the same but need front setback relief. Mr. Samonas went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if there would be only one building on the lot. Mr. Samonas said that was correct.

Comments from the Audience

Dave Lang, 27 Epping Avenue, said he had concerns about the construction being done during the rental season. Mr. Lang said he would also encourage the petitioner to follow the current foundation. Mr. Somonas said they would stay within the confines of the existing foundation. Mr. Somonas said if the variance is received, construction could begin immediately and therefore not interfere with the rental season.

Back to the Board

Moved by Mr. V. Lessard, seconded by Mr. Provencal, to grant Petition 10-13,

Chairman McGuirk asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

12-13...The petition of Richard & Arlene Stammer for property located at 823 Ocean Blvd. seeking relief from Article 1.3 and Article IV as to 4.5.1 and 4.5.2 to replace existing sunroom that has serious leaking problems with one constructed to withstand the harsh ocean front environment. Repair water damage to east wall of house caused by sunroom leaks. This property is located on Map 197, Lot 23 and in a RA Zone.

Richard and Arlene Stammer came forward. Mr. Stammer said the floor plan of the house will not change with the new sunroom. Mr. Stammer went through the five criteria and said he felt they had been met.

Questions from the Board

There were no questions from the Board.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. V. Lessard, seconded by Mr. Provencal, to grant Petition 12-13.

Chairman McGuirk asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

11-13...The petition of Paul & Debra Barrett for property located at 50 Nudd Avenue seeking relief from Article 1.3 and Article IV as to 4.5.1 (Front Setback) to renovate existing home and rebuild steps in the same spot and footprint (only steps need relief). This property is located on Map 274, Lot 138 and in a BS Zone.

Paul and Debra Barrett came forward. Mr. Barrett said they want to renovate their home and rebuild the steps in the same footprint. Only the steps need relief. Mr. Barrett went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre said he felt the stairway needs to be flipped sideways.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal, seconded by Mr. V. Lessard, to grant Petition 11-13 with the stipulation that the stairs not encroach more than six inches to the front lot line and they will be turned sideways.

Chairman McGuirk asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 4 yes, 0 no, 1 abstention (St. Pierre). Motion passed.

13-13...The petition of Chateau Sylvia, LLC for property located at 430 High Street seeking relief from Article III as to 3.26a to reconfigure and enlarge the parking area for overflow parking for the exclusive use of patrons and guests of the Inn most of which would be in the RB Zoning District but 9 of which spaces would be in, or partially in, the RA District. The property is located on Map 166, Lot 7 and in both the RB and RA Zones.

Attorney Saari and Mr. Coronati came forward.

Mr. Provencal said that there had been a previous petition regarding parking at this property and this should be researched prior to hearing this petition. Chairman McGuirk asked if the petitioners would be opposed to continuing their hearing so the research on the previous petition can be done. Attorney Saari said they would not be opposed.

Moved by Mr. Provencal, seconded by Mr. V. Lessard, to continue Petition 13-13 next Thursday, March 28, 2013, at 7:00 p.m.

Vote: 5 yes, 0 no. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. St. Pierre, seconded by Mr. Provencal, to approve the Minutes of February 21, 2013.

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Vote: 4 yes, 0 no, 1 abstention (V. Lessard). Motion passed.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Joan Rice
Secretary